

Application No. 10/763,135  
 Amendment Dated April 10, 2011  
 Reply to final Office Action of January 21, 2011

### AMENDMENTS TO THE CLAIMS

The below listing of claims will replace all prior versions and listings of claims in the application:

#### Listing of Claims:

1. - 34. (Canceled)

35. (Currently amended) The method of claim 64[[63]], wherein a first application workload executes on a first server cluster having a first domain and the remote domain location includes a second domain having a second server cluster running a second application workload further comprising:

monitoring execution of the first application workload to determine whether the performance requirements for execution of the first application workload specified in the service level agreement will continue to be met; and

responsive to a determination that the performance requirements for execution of the first application workload will not continue to be met, sending a request to the second domain to assign one or more of the plurality of server nodes in the second server cluster at the second domain to the execution of the first application workload.

36.-37. (Cancelled)

38. (Currently amended) The method of claim 64[[63]], further comprising:  
 receiving a refusal from the remote domain location denying the request, the refusal from the remote domain location being based upon evaluation of an impact on a service level agreement negotiated for an application workload executing on the remote domain location if the request was granted.

Application No. 10/763,135

Amendment Dated April 10, 2011

Reply to final Office Action of January 21, 2011

39. (Previously presented) The method of claim 35, wherein responsive to a determination that the performance requirements for execution of the first application workload are not being met, the method further comprises:

sending a request to a third domain to assign one or more of a plurality of server nodes in a third server cluster at the third domain to the execution of the first application workload, wherein a third application workload is executing on the third server cluster at the third domain while the first application workload is executing on the first server cluster at the first domain, and

wherein the request sent to the third domain specifies a number of server nodes requested, a duration in which the number of server nodes requested will be needed, and a monetary value associated with the request.

40. (Previously presented) The method of claim 39, further comprising:

receiving a first counter offer from the second domain, the first counter offer specifying one or more of a different number of server nodes than the number of server nodes requested, a different duration for the number of server nodes requested, and a different monetary value for the request; and

receiving a second counter offer from the third domain, the second counter offer specifying one or more of a different number of server nodes than the number of server nodes requested, a different duration for the number of server nodes requested, and a different monetary value for the request, wherein what is specified in the first counter offer differs from what is specified in the second counter offer.

41. (Previously presented) The method of claim 40, further comprising:

sending a first response to the second domain, the first response indicating acceptance or rejection of the first counter offer from the second domain; and

sending a second response to the third domain, the second response indicating acceptance or rejection of the second counter offer from the third domain.

Application No. 10/763,135

Amendment Dated April 10, 2011

Reply to final Office Action of January 21, 2011

42. (Previously presented) The method of claim 39, further comprising:

receiving a refusal from the third domain denying the request, the refusal from the third domain being based upon evaluation of an impact on a service level agreement negotiated for the third application workload executing on the third server cluster at the third domain if the request was granted.

43. (Cancelled)

44. (Currently amended) The method of claim 64[[63]], wherein the monetary value associated with the request is a payment amount for the number of server nodes requested.

45. (Currently amended) The method of claim 64[[63]], wherein the first application workload is a transaction application workload.

46. (Previously presented) The method of claim 45, wherein the transaction application workload comprises stock trades.

47. (Currently amended) The method of claim 64[[63]], wherein the remote domain location executes a parallel application workload.

48. (Previously presented) The method of claim 47, wherein the parallel application workload involves optimization of a stock portfolio.

49. (Currently amended) The method of claim 64[[63]], wherein the threshold performance requirements ~~for execution of the application workload specified in the service level agreement~~ comprises a throughput requirement[[s]].

50. (Currently amended) The method of claim 64[[63]], wherein the threshold performance requirements ~~for execution of the application workload specified in the service level agreement~~ comprises a response time requirement[[s]].

Application No. 10/763,135

Amendment Dated April 10, 2011

Reply to final Office Action of January 21, 2011

51. (Currently amended) The method of claim 64[[63]], wherein the threshold performance requirements ~~for execution of the application workload specified in the service level agreement~~ comprises an availability requirement[[s]].

52. (Currently amended) The method of claim 64[[63]], wherein the threshold performance requirements ~~for execution of the application workload specified in the service level agreement~~ comprises a downtime requirement[[s]].

53. (Cancelled)

54. (Currently amended) The method of claim 64[[63]], wherein ~~monitoring~~ execution of the application workload on the subset of server nodes assigned to execute the first application workload is monitored, comprising ~~comprises~~:

monitoring one or more of a transaction rate, a transaction response time, availability of a server node, and utilization of a server node.

55.-57. (Cancelled)

58. (Currently amended) The method of claim 64[[63]], further comprising receiving an ~~the~~ acceptance of the request in accordance with a comparison of a ~~the~~ monetary value and a minimum acceptable payment amount.

59. (Currently amended) The method of claim 58, wherein the minimum acceptable payment amount is determined in accordance with a determination of the value of processing operations performed at the remote domain ~~location~~.

60. (Currently amended) The method of claim 59, wherein the value of processing operations performed at the remote domain ~~location~~ is determined in accordance with a service level agreement of the remote domain ~~location~~.

Application No. 10/763,135

Amendment Dated April 10, 2011

Reply to final Office Action of January 21, 2011

61. (Currently amended) A method for determining whether to support an application workload at a local cluster of nodes using a resource at a remote domain location remote from the local cluster, the method comprising:

receiving at the remote domain location from the local cluster a request for at least one server node determined at the local cluster in accordance with a threshold of performance requirements of the local cluster wherein the request specifies a number of nodes requested, a time duration for which the requested nodes are needed, and a monetary value determined in accordance with a monetary penalty amount specified by a service level agreement for a failure to meet a requirement of the service level agreement;

transmitting from the remote domain location to the local cluster an acceptance of the request in accordance with the monetary value; and

allocating the at least one server node in accordance with the monetary penalty amount for the failure to meet the requirement of the service level agreement.

62. (Currently amended) An article of manufacture, comprising:

at least one computer usable medium having computer readable program code embodied therein for performing a method for supporting an application workload using a resource at a remote domain location, the computer readable program code means in said article of manufacture comprising:

computer readable program code means for causing a computer to assign a subset of a plurality of server nodes to execute the application workload;

computer readable program code means for causing a computer to execute the application workload on the assigned subset of the plurality of server nodes;

computer readable program code means for causing a computer to monitor execution of the application workload to determine whether a threshold of a performance requirement of a service level agreement specifying performance requirements and a monetary penalty amount for execution of the application workload is met;

Application No. 10/763,135

Amendment Dated April 10, 2011

Reply to final Office Action of January 21, 2011

computer readable program code means for causing a computer to send a request for at least one server node to the remote domain location wherein the request specifies a number of nodes requested, a time duration for which the requested nodes are needed, and a monetary value associated with the request responsive to a determination that the threshold of the performance requirements is not being met wherein the monetary value is determined in accordance with the monetary penalty amount specified by a service level agreement for a failure to meet a requirement of the service level agreement;

computer readable program code means for causing a computer to receive from the remote domain location an acceptance of the request in accordance with the monetary value; and

computer readable program code means for allocating the at least one server node in accordance with the monetary penalty amount for the failure to meet the requirement of the service level agreement.

63. (Cancelled)

64. (New) A method for supporting an application workload using a resource at a remote domain, the method comprising:

monitoring execution of the application workload to determine whether a threshold performance requirement of a service level agreement is met;

responsive to a determination that the threshold performance requirement of the service level agreement is not met, sending a request for a resource;

receiving a counter offer from the remote domain specifying a resource differing from the requested resource; and

allocating the resource specified by the remote domain in the counter offer according to the service level agreement.

Application No. 10/763,135

Amendment Dated April 10, 2011

Reply to final Office Action of January 21, 2011

65. (New) The method of claim 64, wherein the request for the resource includes a request for at least one server node and the counter offer specifies a different number of server nodes than the number of server nodes requested.

66. (New) The method of claim 64, wherein the request for the resource includes a request for a time duration for which the resource is requested and the counter offer specifies a different time duration.

67. (New) The method of claim 64, wherein the request for the resource includes a monetary value determined in accordance with the monetary penalty amount for a failure to meet a requirement of the service level agreement and the counter offer specifies a different monetary value.

68. (New) The method of claim 64, wherein the steps of monitoring execution of the application workload, sending the request for the resource, receiving the counter offer and allocating the resource specified in the counter offer are performed by an on-demand manager at a local domain executing the application workload.